

Summary of the January 12, 2004 System Leadership Council Meeting

The following Council members attended this meeting.

Janet Areson	Paul R. Gilding	Julie A. Stanley, J.D.
Mary Ann Bergeron	Nita Grignol	James W. Stewart, III
H. Lynn Chenault	Charlotte V. McNulty	Frank L. Tetrack, III
Charline A. Davidson	George W. Pratt, Ed.D.	William J. Thomas
Gerald E. Deans	Raymond R. Ratke	James A. Thur, M.P.H.
James L. Evans, M.D.	James S. Reinhard, M.D.	Joy Yeh, Ph.D.

Jim Martinez also attended this meeting. This summary lists key points discussed at the Council meeting; **decisions, agreements, and actions taken are shown in bold print.**

1. Last Meeting Summary and Current Agenda: The Council accepted the summary of its November 10 meeting with one change and adopted the proposed agenda for this meeting. The change in corrected Mario Dennis' name in the third item; it was incorrectly listed as Marco Davis.
2. State Facility/CSB Utilization Management Committee Update
 - The Utilization Management Committee is meeting at Western State Hospital on January 13. The agenda includes moving to regional management of reinvestment projects, recognizing that the discharge protocols are at a transition point and need to include not just state facility but private psychiatric utilization, looking at what structures and changes are needed in the protocols, and determining what is working well and how it can be replicated.
 - The Committee recognizes that private psychiatric facilities need to be involved in its work, and the Committee will include them at the appropriate time.
 - The Committee needs to examine situations where individuals are discharge ready, but there are no discharge placements available for them (e.g., some gero-psychiatric patients). In those situations, the Committee needs to consider how to minimize staff requirements for continually updating discharge plans, balancing minimizing demands on scarce staff time with continuing to pursue alternative placements to achieve discharges as soon as is reasonably possible.
3. The Virginia Office for Protection and Advocacy (VOPA): VOPA is seeking the names of mental health patients on the ready for discharge list as part of its lawsuit alleging patient neglect. The Commissioner sent a letter to VOPA stating that the Department could not release the names due to privacy concerns and suggesting that the Department could inform individual patients that VOPA wanted their names and ask the patients to authorize release of their names to VOPA. Subsequently, the federal judge hearing the case ruled in VOPA's favor.
4. Olmstead Update: Julie Stanley discussed Executive Order Number 61, the Governor's Olmstead Initiative. It establishes the State Director of Community Integration, State Agency Implementation Team, and Oversight Advisory Committee.
 - The Governor appointed her to serve as the State Director of Community Integration, a part time position. She will continue to serve as the Assistant Commissioner for Administrative and Regulatory Compliance in the Department on a part time basis. Offices that reported to her (Licensing, Human Rights, and Risk Management) will now report to Ray Ratke.
 - The State Agency Implementation Team includes 18 agencies and four Secretaries. It will cost out all Olmstead Report recommendations and identify those that can be addressed administratively.
 - The Oversight Advisory Committee consists of 15 stakeholders, a majority of whom are consumers and family members. The Governor will appoint the Chair and Vice Chair.
5. Community Consumer Submission (CCS) Frequently Asked Questions (FAQs): The FAQs confirm that the CCS complies fully with HIPAA, and they identify clearly who is to be included in the CCS. It was noted that most CSBs had no concerns with the FAQs, but two or three CSBs may need to meet individually with the Department about their particular concerns. The FAQs include an offer by the Department to participate in such meetings.

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6. Governor's 2004 – 2006 Biennium Budget

- The introduced budget includes new funds for discharge assistance plans, PACT teams, non-mandated mental health services for children and adolescents, and local psychiatric bed purchases. **No decisions have been made about how to allocate any new funds, and the Department agreed that it would make such decisions in partnership with the CSBs.**
- The mental health state facility shortfall items (\$11.6 million in FY 2004 and \$14.8 million in each year of the next biennium) only replace decreases in federal Medicaid and Medicare funds; they do not refund previous cuts or restore reinvestment funds in state facility budgets.
- One way to address the urgent MR Waiver waiting list, now at 1,416 people, would be to identify some facility beds (e.g., a 50 bed unit) that could be closed and transfer the match to serve the same residents in community settings. **This idea should be discussed with the MR Special Populations Work Group and the regional associations.**
- The VACSB budget priorities were discussed, particularly the \$2 million requested for federal substance abuse maintenance of effort requirements; this is not in the introduced budget.

7. VACSB Legislative Initiatives: Mary Ann Bergeron discussed the VACSB's five bill requests, the first two of which are part of the VACSB's informed consent initiative:

- include guardians for coverage in the Commonwealth's risk management plans,
- allow a judge to appoint a non-profit corporation as the guardian in certain limited situations (targeted to CSBs),
- amend the Certificate of Public Need legislation to exempt ICF/MR facilities (needed greatly to move reinvestment initiatives forward),
- address the Attorney General's opinion on ECO/TDO transportation, and
- allow commitment hearings at the Commonwealth Center for Children and Adolescents.

Dr. Reinhard commended the VACSB for its proactive work on the guardianship issue. Another legislative issue for the VACSB will be the methadone legislative proposals from southwestern Virginia. While some rural CSBs in that area support the proposals, CSBs in other parts of the state do not support the proposals. She noted that the VACSB and the Coalition for Mentally Disabled Citizens of Virginia are supporting additional resources to meet service needs. Ray Ratke invited Mary Ann Bergeron to the Department's weekly legislative update meetings.

8. Results of the After-Hours Psychiatric Coverage at CSBs Survey: The Council reviewed a synopsis of the survey. Once remaining CSB responses are received, the survey results will be distributed. **The Department agreed to convene a small group to discuss particular issues first raised by Dr. Fisher. The group will include Frank Tetrick and Dr. Evans as co-chairs, Jerry Deans, Gus Fagan, and other representatives from the region. Dr. Evans agreed to call Dr. Fisher about how often the problem of after-hour referrals is occurring.**

9. Restructuring Policy Advisory Committee (RPAC) Update: The Central Office staff will be meeting with the regions to discuss their restructuring plans. At the upcoming RPAC meeting, taking information items to the RPAC and decision items to the System Leadership Council and the future role of the RPAC will be discussed.

10. Partnership Agreement Review: The Performance Contract Work Group is trying to schedule a meeting to begin this review. Subsequently, a meeting occurred on February 12.

11. Central Office Strategic Planning Update: Dr. Reinhard asked for feedback on the critical success factors, identified in the materials e-mailed to all CSBs on January 9. Frank Tetrick noted that the Child and Family Services Director position is open through January 27. Robert Johnson, the Director of the Office of Substance Abuse Services, is leaving the Department; his last day is January 16. Ken Batten will be the Acting Director.

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12. Updates

- Charline Davidson indicated the Comprehensive State Plan 2004-2010 has been printed and distributed.
- Ray Ratke noted that the regular quarterly meeting with DMAS is scheduled this week and the issue of Medicaid paying for Part C natural environment costs could be discussed then.
- The Part C Infrastructure Committee is meeting today to consider three models; it will bring one recommendation forward. The issue of the rate differential between public and private providers was raised, and it was noted that many private providers are leaving the system. This could jeopardize parts of the Part C system.
- The exposure draft of the FY 2005 Community Services Performance Contract, including the Partnership Agreement and the General Requirements Document, has been e-mailed and placed on the Department's web site for the statutorily-required 60 day public comment period. As the exposure draft notes, it reflects only minor editorial corrections and no substantive changes. The VACSB and the Department have agreed to defer a complete review of and possible significant revisions in the contract to the FY 2006 version
- **The Council agreed with adding a VACSB representative to the Department's groups that are developing new definitions of mental illness and substance abuse for the Title 37.1 recodification.**
- Two patients have been admitted to the Virginia Center for Behavioral Rehabilitation.

13. Other Business

- Tom Geib, the Vice Chair of the VACSB Executive Directors Forum, is being added to the Council at the request of the VACSB.
- Jerry Thomas suggested scheduling a state facility directors meeting in conjunction with a VACSB conference, perhaps in May, so that CSB executive directors and state facility directors could meet together. Mary Ann Bergeron said she would talk with Kay Springfield about it. **The Council agreed that it would be helpful to schedule an opportunity for the two groups to meet.**

14. Next Meeting: **The Council reviewed a proposed meeting schedule and decided to hold future meetings on the dates listed below.** All meetings through the September 22 meeting will be held in Room C at the Henrico Area MH&R Services. The Council's next meeting will be on March 24 at 9:00 a.m.

Meeting Schedule

March 24, 2004

May 12, 2004

June 23, 2004

September 22, 2004

Possible Future Meeting Dates

November 3 OR December 8, 2004

January 12, 2005

March 16, 2005

May 4, 2005

June 22, 2005